



MEMORANDUM

DATE: March 27, 2008

TO: ALL INTERESTED PARTIES

FROM: STATE PERSONNEL BOARD – Executive Office

SUBJECT: Notice and Agenda for the April 7, 2008, Meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on April 7, 2008, at the offices of the California State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814, the State Personnel Board will hold its regularly scheduled meeting.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item. Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any materials related to items considered in the public sessions of April 7, 2008, please visit the SPB website at <http://www.spb.ca.gov/about/board/agenda/index.htm> or contact staff in the Secretariat's Office via mail at State Personnel Board, 801 Capitol Mall, MS 52, Sacramento, California 95814 or by calling (916) 653-1028.

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone number above.

April Partington
Secretariat's Office

Attachment

STATE PERSONNEL BOARD AGENDA



APRIL 7, 2008

SACRAMENTO, CA



BOARD MEETING – APRIL 7, 2008¹

Public and Closed Session Location

801 Capitol Mall, Room 150
Sacramento, CA 95814

¹ Sign Language Interpreter will be provided for Board Meeting upon request – contact Secretariat at (916) 653-1028.

9:00 a.m. – 5:00 p.m.
(Or upon completion of business)

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. **ROLL CALL**
2. **REPORT OF THE EXECUTIVE OFFICER**
 - Suzanne M. Ambrose
3. **REPORT OF THE CHIEF COUNSEL**
 - Elise S. Rose
4. **REPORT ON LEGISLATION**
 - Elise S. Rose
5. **REPORT OF THE RECEIVER**
 - J. Clark Kelso
6. **REPORT ON THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (CalPERS)**
 - Anne Sheehan
7. **REPORT OF THE DEPARTMENT OF PERSONNEL ADMINISTRATION**
 - DPA Representative
8. **REPORT ON THE HUMAN RESOURCES MODERNIZATION PROJECT**
 - HR MOD Representative
9. **REPORT OF COOPERATIVE PERSONNEL SERVICES**
 - Jerry Greenwell, Chief Executive Officer
10. **NEW BUSINESS**

Items may be raised by Board Members for scheduling and discussion for future meetings.
11. **INFORMATIONAL BRIEFING – LIMITED THREE-RANK ELIGIBILITY LISTS**
 - Mike Strazzo, State Personnel Board
 - Michael Davis, HR Modernization Project
 - State Department Representatives

Staff to provide a brief update to the five-member Board and interested parties concerning limited three-rank eligibility lists.
12. **ORAL ARGUMENT**

In the matter of **CASE NO. 07-0850A**. Appeal from non-punitive termination. Clinical Social Worker. Department of Corrections and Rehabilitation.

13. **BREAK (15 Minutes)**
14. **APPEALS DIVISION UPDATE**
 - Suzanne M. Ambrose, SPB Executive Officer
15. **HEARING - PROPOSED REGULATION CONCERNING SERVICE OF DOCUMENTS IN SPB PROCEEDINGS (2 CCR § 51.10)**
 - SPB Staff
16. **HEARING – PERSONAL SERVICES CONTRACT NO. 07-05**
 - Department of Transportation
 - SEIU Local 1000

Appeal by the Department of Transportation from Executive Officer's October 25, 2007, Decision disapproving a Personal Services Contract for Janitorial Services.

17. **LUNCH (approximately 12:30 – 1:30)**
18. **SELECTION ANALYST CERTIFICATE PRESENTATION**
 - Suzanne M. Ambrose, California State Personnel Board

Libby Adams	Roger Fujita	Judith Montgomery
Julie Amaro	Sanvado Gayle	Andrea Munoz
Peggy Atwell	Joseph Gershaneck	Tia Woods
JoAnne Byrne	Emily Gorrindo	Maria Pires-Molina
Diana Campbell	Monica Grass	Ryan Platt
Kathy Chan	Robin Henry	Gwyneth Raymer
Fernando Chavez	Sabrina Hernandez	Marion Springer
Joanna Doller	Shannon Leach	Sandra Teague
Renee Evans	Kirsten Malme	Tamara Martinez - Long

19. **HEARING – PERSONAL SERVICES CONTRACT NO. 08-01**
 - Department of General Services
 - SEIU Local 1000

Appeal by SEIU from Executive Officer's December 21, 2007, Decision Dismissing a Challenge to a Personal Services Contract for Information Technology Services.

20. **HEARING – PERSONAL SERVICES CONTRACT NO. 08-02**
 - Department of Developmental Services
 - SEIU Local 1000

Appeal by the Department of Developmental Services from Executive Officer's January 16, 2008, Decision Disapproving a Personal Services Contract for Information Technology Services.

21. **BREAK – (15 minutes)**

22. HEARING - DEPARTMENT OF TRANSPORTATION'S CAREER EXECUTIVE ASSIGNMENT (CEA) PROPOSALS UNDER CONSIDERATION (Multiple Districts)

- State Personnel Board Staff
- Department of Transportation Representative
- Professional Engineers in California Government (PECG)

Staff from the Professional Engineers in California Government (PECG) requested a hearing to discuss multiple CEA proposals that were listed on the March 25, 2008, State Personnel Board Agenda. PECG requests to address the five-member Board and interested parties.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

23. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matters submitted at prior hearing.
[Government Code Sections 11126(c)(3), 18653(3)].

24. DELIBERATION ON NON-EVIDENTIARY CASES AND ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by Administrative Law Judges of the State Personnel Board or by the Board itself.
[Government Code Sections 11126(c)(3), 18653].

25. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1), 18653].

California Highway Patrol, et al. v. State Personnel Board, et al.
Sacramento Superior Court
Case No. 34-2008-00002G14-CU-WM-GDS

California Department Corrections and Rehabilitation, et al. v. State Personnel Board, et al.
Sacramento Superior Court
Case No. 34-2007-00883875-CU-WM-GDS
Patrick McCollum v. State of California
United States District Court, Northern District of California
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.
Case No. C01-1351 THE

Department of Industrial Relations v. SPB/Olga Garau
Los Angeles County Superior Court
Case No. BS113391

- 26. **RECOMMENDATIONS TO THE LEGISLATURE**
Deliberations on recommendations to the Legislature.
[Government Code section 18653].
- 27. **RECOMMENDATIONS TO THE GOVERNOR**
Deliberations on recommendations to the Governor.
[Government Code section 18653].

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 28. **DISCUSSION OF UPCOMING BOARD MEETING SCHEDULED FOR APRIL 22, 2008, IN SACRAMENTO, CALIFORNIA.**

BOARD ACTIONS:

- 29. **ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF THE MARCH 4, 2008 BOARD MEETING.**
- 30. **EVIDENTIARY CASES**

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

- (1) **CASE NO. 05-4007EA**
Appeal from denial of discrimination complaint
Classification: Outside contractor
Department: Department of Transportation
Proposed decision rejected December 19, 2006.
Pending oral argument April 3, 2007, Sacramento.
Oral argument continued.
Oral argument heard July 10, 2007, Sacramento.
Case ready for decision by FULL Board.
- (2) **CASE NO. 06-3014PA**
Appeal from official reprimand
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
Petition for rehearing granted July 10, 2007.
Transcript prepared.

Pending oral argument October 9, 2007, Sacramento.
Oral argument continued.
Oral argument heard December 4, 2007, San Francisco.
Case ready for decision by FULL Board.

(3) CASE NO. 05-3327A

Appeal from dismissal
Classification: Medical Technical Assistant
Department: Department of Corrections and Rehabilitation
Proposed decision rejected July 10, 2007.
Transcript prepared.
Oral argument set for February 4-5, 2008, Sacramento.
Oral argument continued.
Oral argument heard March 4, 2008, Los Angeles
Case ready for decision by FULL Board.

B. CASES PENDING

ORAL ARGUMENTS

These cases will be argued at this meeting or will be considered by the Board in closed session based on written arguments submitted by the parties.

(1) CASE NO. 07-0850A

Appeal from non-punitive termination
Classification: Clinical Social Worker
Department: Department of Corrections and Rehabilitation

C. CHIEF COUNSEL RESOLUTIONS

(1) CASE NO. 05-0929

Request for Further Order Pursuant to Government Code section 18710 and Motion for Order Nunc Pro Tunc

(2) CASE NO. 07-2182

Decision Approving Stipulation for Settlement

COURT REMANDS

These cases have been remanded to the Board by the court for further Board action.

NONE

STIPULATIONS

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

PROPOSED DECISIONS

These are ALJ proposed decisions submitted to the Board for the first time.

- (1) **CASE NO. 07-0333**
Appeal from 30 days suspension
Classification: Officer
Department: Department of California Highway Patrol
- (2) **CASE NO. 06-2873BP**
Appeal for determination of back pay and interest
Classification: Chief, Highway Outdoor Advertising
Department: Department of Transportation
- (3) **CASE NO. 04-2284**
Appeal from dismissal
Classification: Youth Correctional Counselor
Department: Department of Corrections & Rehabilitation
- (4) **CASE NO. 07-2164**
Appeal from ten percent reduction in salary for six months
Classification: Psychiatric Technician
Department: Department of Developmental Services
- (5) **CASE NO. 07-2625**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT A PRIOR MEETING

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

- (1) **CASE NO. 06-2706P**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections & Rehabilitation
- (2) **CASE NO. 06-3553P**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (3) **CASE NO. 06-1683P**
Appeal from dismissal
Classification: Office Technician (Typing)
Department: Department of Corrections and Rehabilitation

WHISTLEBLOWER NOTICE OF FINDINGS

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case previously decided pursuant to Government Code, section 19683 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

- (1) **CASE NO. 07-0850A**
Appeal from non-punitive termination
Classification: Clinical Social Worker
Department: Department of Corrections and Rehabilitation

Proposed decision rejected September 24, 2007.
Transcript prepared.
Oral argument set for February 4-5, 2008, Sacramento.
Oral argument continued.
Oral argument set for March 3-4, 2008, Los Angeles.
Oral argument continued.
Oral argument set for April 7, 2008, Sacramento.

- (2) **CASE NO. 06-3747A**
Appeal from dismissal
Classification: Parole Agent I
Department: Department of Corrections and Rehabilitation
Proposed decision rejected January 8, 2008.
Transcript prepared.
Oral argument set for May 12-13, 2008, Sacramento.

- (3) **CASE NO. 07-2189A**
Appeal from non-punitive termination
Classification: Vocational Instructor (Welding)
Department: Department of Corrections and Rehabilitation
Proposed decision rejected March 4, 2008.
Pending transcript.

31. RESOLUTION EXTENDING TIME PURSUANT TO GOVERNMENT CODE SECTION 18671.1

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

32. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

- (1) **CASE NO. 06-4628N**
Department: Department of Corrections and Rehabilitation
Classification: Correctional Officer
Issue: Suitability; failure to provide honest and accurate information in his PHS.
- (2) **CASE NO. 06-2584N**
Department: California Department of Corrections and Rehabilitation
Classification: Correctional Officer
Issue: Suitability; illegal drug use.
- (3) **CASE NO. 06-4683N**
Department: California Department of Corrections and Rehabilitation
Classification: Correctional Officer
Issue: Suitability; failure to respond to requests for additional information.
- (4) **CASE NO. 06-3453N**
Department: The Department of Corrections and Rehabilitation
Classification: Correctional Officer
Issue: Suitability; failure to provide honest and accurate information and negative law enforcement contacts.
- (5) **CASE NO. 07-0248N**
Department: The Department of Corrections and Rehabilitation
Classification: Correctional Officer
Issue: Suitability; failure to provide honest, accurate and timely information.
- (6) **CASE NO. 06-3129N**
Department: California Department of Corrections and Rehabilitation
Classification: Correctional Officer
Issue: Suitability; omitted information, had a negative employment record, and failed to comply with legal obligations.
- (7) **CASE NO. 06-4667N**
Department: California Department of Social Services
Classification: Associate Governmental Program Analyst
Issue: Suitability; does not meet the minimum experience qualifications.
- (8) **CASE NO. 06-3211N**
Department: California Department of Corrections and Rehabilitation
Classification: Correctional Officer
Issue: Suitability; pending civil lawsuit.

- (9) **CASE NO. 06-4749N**
Department: California Department of Corrections and Rehabilitation
Classification: Correctional Officer
Issue: Suitability; illegal drug use.
- (10) **CASE NO. 06-3910N**
Department: California Department of Corrections and Rehabilitation
Classification: Correctional Officer
Issue: Suitability; omission of information.
- (11) **CASE NO. 06-4611N**
Department: California Department of Corrections and Rehabilitation
Classification: Correctional Officer
Issue: Suitability; omission of information.

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

- (1) **CASE NO. 06-4224N**
Department: California Department of Parks and Recreation
Classification: State Park Ranger, Cadet
Issue: Suitability; does not meeting the vision acuity standard.

DISMISSED CASES

- (1) **CASE NO. 08-0112N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
- (2) **CASE NO. 07-1725N**
Classification: Communications Operator
Department: Department of Parks and Recreation
- (3) **CASE NO. 07-5391N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation

C. EXAMINATION APPEALS, MINIMUM QUALIFICATIONS, MERIT ISSUE COMPLAINTS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

NONE

D. RULE 211 APPEALS, RULE 212 OUT OF CLASS APPEALS, VOIDED APPOINTMENT APPEALS

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

NONE

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

NONE

PETITIONS FOR REHEARING CASES

NONE

33. NON-HEARING AGENDA

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII of the California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance

notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend that the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

(1) ALTERNATE RANGE CRITERIA (ARC) 30, CALIFORNIA ENERGY COMMISSION

The California Energy Commission proposes revisions to ARC 30 for the Energy Analyst Classification, to mirror the recent changes to the Staff Services Analyst Classification.

(2) DIVISION CHIEF, DEPARTMENT OF TOXIC SUBSTANCES CONTROL

The Department of Toxic Substances Control is proposing the re-establishment of the Division Chief, Department of Toxic Substances Control classification. This classification was abolished prematurely at the January 6, 2006 Board meeting. There are no changes being proposed to the abolished classification specification.

(3) RECEIVER'S NURSE EXECUTIVE (SAFETY)

The Department of Corrections and Rehabilitation requests that a minor specification revision be approved to more accurately reflect the safety retirement category and also the role of health care staff in maintaining order within an institution and protecting public property. This language mirrors language included in the Receiver's Medical Executive (Safety) class adopted on January 22, 2008.

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other

classes within the series will continue to be used, the class specification is included in the board item.

NONE

34. STAFF AGENDA ITEMS FOR BOARD INFORMATION

NONE

35. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Operations Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

(1) CHIEF, OFFICE OF SELF-INSURANCE PLANS

The Department of Industrial Relations proposes to reallocate the above limited term CEA position to a permanent allocation. The position is in charge of the certification of employers to self insure for workers' compensation liabilities, and for groups of smaller employers.

(2) ASSISTANT ASSOCIATE SECRETARY, OFFICE OF LEGISLATION AFFAIRS

The Health and Human Services Agency proposes to reallocate the above 12-month limited term CEA position to a permanent allocation. The position manages day-to-day operations of the Office of Legislative Affairs, but also influences and determines legislative decisions and actions for all CHHS departments, offices, and board.

(3) CHIEF INFORMATION OFFICER

The Department of Corrections and Rehabilitation, Plata Personnel, proposes to allocate the above position to the CEA category. The position participates in strategic and operational governance processes of the Receivership, provides vision and leadership for developing and implementing information technology initiatives. The Chief Information Officer directs the planning and implementation of enterprise IT systems.

(4) DEPUTY DIRECTOR, COUNTY FACILITIES CONSTRUCTION (CFC), CORRECTIONS STANDARDS AUTHORITY (CSA)

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The position is responsible for planning, organizing, and directing all program activities and policy in accordance with Assembly Bill 900, Public Safety and Offender Rehabilitation Services Act of 2007. The Deputy Director, CFC, will be the principle policy maker for the administration of the laws, rules, and regulations relating to statewide minimum standards for state and local detention facilities, and the administration and management of the processes for awarding and monitoring state/lease/revenue bonds.

(5) BUREAU CHIEF, DENTAL BUREAU

The Department of Consumer Affairs proposes to allocate the above position to the CEA category. This position is responsible for carrying out the objectives of the strategic plan, which is charged with licensing and regulating the practice of dental health professionals comprised of dentists and licensed dental auxiliaries in California. The position serves as a primary consultant and has a continuous policy influencing role.

(6) BUREAU CHIEF, VOCATIONAL NURSING AND PSYCHIATRIC TECHNICAL BUREAU

The Department of Consumer Affairs proposes to allocate the above position to the CEA category. The position ensures that the statutory mandate to protect the public is met and will be the primary consultant and advisor on policy development, planning,

analysis, and evaluation of overall operations, legislation and enforcement of the regulatory requirements over licensees and educational programs.

(7) BUREAU CHIEF, SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BUREAU

The Department of Consumer Affairs proposes to allocate the above position to the CEA category. This position implements and advances the policies and strategic plan objectives for the Bureau including policy administration, development, oversight and management.

(8) BUREAU CHIEF, BARBERING AND COSMETOLOGY BUREAU

The Department of Consumer Affairs proposes to allocate the above position to the CEA category. This position has delegated authority to act on behalf of the Chief Deputy Director, DCA, in the full range of policy and administrative duties. The Bureau Chief will serve as a top management advisor on all matters relating to the examinations, licensing, inspections and enforcement.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

(1) CHIEF, OFFICE OF POLLUTION PREVENTION AND TECHNOLOGY DEVELOPMENT

The Department of Toxic Substances Control's request to allocate the above position has been approved February 29, 2008.

(2) FISCAL PROJECT EXECUTIVE

The Department of Finance's request to allocate the above position has been approved February 29, 2008.

(3) CHIEF, BUSINESS OPERATIONS, 21ST CENTURY PROJECT

The State Controller's request to allocate the above position has been approved March 5, 2008.

(4) COMPSTAT ADMINISTRATOR

The Department of Corrections and Rehabilitation's request to allocate the above position has been approved March 5, 2008.

(5) CHIEF, INTERNAL AUDITS AND INVESTIGATIONS

The Department of Health Care Services' request to allocate the above position has been approved March 5, 2008.

- (6) **DEPUTY DIRECTOR, CENTER FOR FAMILY HEALTH CARE**
The Department of Public Health's request to allocate the above position has been approved March 5, 2008.
- (7) **BUSINESS DEPUTY, PRISON SYSTEM RESUMPTION PROJECT**
The California Public Employees' Retirement System's request to allocate the above position has been approved March 5, 2008.
- (8) **ASSISTANT DEPUTY DIRECTOR, CENTER FOR FAMILY HEALTH**
The Department of Public Health's request to allocate the above position has been approved March 7, 2008.
- (9) **DEPUTY DIRECTOR, EXTERNAL AFFAIRS, OFFICE OF PUBLIC AND EMPLOYEE COMMUNICATIONS**
The Department of Corrections and Rehabilitation's request to allocate the above position has been approved March 7, 2008.
- (10) **DEPUTY COMMISSIONER, CREDIT UNION PROGRAMS**
The Department of Financial Institutions' request to allocate the above position has been approved March 7, 2008.
- (11) **GENERAL COUNSEL**
The Department of Alcoholic Beverage Control's request to allocate the above position has been approved March

36. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

37. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

NONE

38. BOARD ACTIONS ON SUBMITTED ITEMS

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.

SUBMITTED

(1) PERSONAL SERVICES CONTRACT NO. 04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access

Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief.
(Hearing held August 12, 2004).

(2) CASE NO. 05-4007EA

Appeal from denial of discrimination complaint. Outside contractor.
Department of Transportation.
(Oral argument held July 10, 2007).

(3) CASE NO. 06-3014PA. Appeal from official reprimand. Correctional Sergeant. Department of Corrections and rehabilitation.
(Oral argument held on December 4, 2007).

A D J O U R N M E N T



MEMORANDUM

DATE: April 7, 2008

TO: STATE PERSONNEL BOARD

FROM: MIKE STRAZZO, Merit Operations Division

SUBJECT: NON-HEARING AGENDA ITEMS FOR BOARD ACTION

- (1) ALTERNATE RANGE CRITERIA (ARC) 30, CALIFORNIA ENERGY COMMISSION**

The California Energy Commission proposes revisions to ARC 30 for the Energy Analyst Classification, to mirror the recent changes to the Staff Services Analyst Classification.
- (2) DIVISION CHIEF, DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

The Department of Toxic Substances Control is proposing the re-establishment of the Division Chief, Department of Toxic Substances Control classification. This classification was abolished prematurely at the January 6, 2006 Board meeting. There are no changes being proposed to the abolished classification specification.
- (3) RECEIVER'S NURSE EXECUTIVE (SAFETY)**

The Department of Corrections and Rehabilitation requests that a minor specification revision be approved to more accurately reflect the safety retirement category and also the role of health care staff in maintaining order within an institution and protecting public property. This language mirrors language included in the Receiver's Medical Executive (Safety) class adopted on January 22, 2008.

TO: STATE PERSONNEL BOARD

FROM: Nicole Holtzman
Personnel Program Analyst
Classification and Compensation Division

Belinda Collins, Chief
Classification and Compensation Division

SUBJECT: Proposed revisions to Alternate Range Criteria 30 for the
California Energy Commission's Energy Analyst
Classification

SUMMARY OF ISSUES:

Recently, the State Personnel Board adopted a proposal that revised the Staff Services Analyst (General) minimum qualification and Alternate Range Criteria (ARC) 69 to allow for the effective recruitment of college graduates. Specifically, the minimum qualifications were revised to include only two patterns:

1) graduation with a Bachelor's degree from a recognized four-year accredited college or university, and 2) work experience in California State service that may substitute for the required education on a year-for-year basis combined with specified college credits. Eligible candidates with a Bachelor's degree qualify for appointment directly to Range C.

The California Energy Commission (CEC) is experiencing a severe recruitment disadvantage for their Energy Analyst class due to the changes implemented for the Staff Services Analyst (SSA), ARC 69. The primary candidate pool for both classifications is college graduates; therefore, the success rate to recruit for the Energy Analyst will severely diminish as most will apply for SSA positions where they will be appointed directly to Range C, an \$814 difference in starting pay.

CONSULTED WITH:

Michael Navarro, Cooperative Personnel Services
Mike Kanemoto, Cooperative Personnel Services
Josie Fernandez, Department of Personnel Administration
Frank Marr, Department of Personnel Administration
Daphne Baldwin, State Personnel Board
Dave Lopez, State Personnel Board

BACKGROUND:

The Energy Analyst class was established in 1977 to function as the primary recruitment and selection class for college graduates qualified to perform energy conservation and development duties. Prior to establishing the Energy Analyst, the CEC used the generalist class of SSA. Although it was possible to recruit some employees with backgrounds relating to specific energy areas, the general administrative nature of the SSA did not meet the CEC's line program needs. Therefore, the CEC established the Energy Analyst, a separate scientific energy-oriented entry level class to provide for recruitment of qualified college graduate. The salary for the Energy Analyst reflected the commonly used salary levels in State service for college recruitment and was tied to the SSA in class concepts, alternate range criteria and salary ranges.

JUSTIFICATION:

For the reasons stated above, it is critical that the CEC implement these proposed changes to the Energy Analyst class to mirror the recent changes in the SSA. This will enable the CEC to retain current Energy Analyst staff and to recruit and compensate qualified college graduates at the same rate as the SSA.

The California Association of Professional Scientists (CAPS) is in agreement with the proposed changes.

RECOMMENDATIONS:

Effective April 7, 2008, the following recommendations are adopted by the State Personnel Board.

1. That the proposed Alternate Range Criteria for the class of Energy Analyst as shown in this calendar be adopted.
2. That the Alternate Range Criteria for these classes be amended as follows:

CLASSIFICATION CONSIDERATIONS

Instructions: Complete after if Concept (Part A) is approved by DPA. Answer all applicable questions, providing enough information to support your proposal. Return this with a signed transmittal form to your DPA and SPB Analysts.

Background

1. Provide some historical perspective about the organizational setting of the subject class(es) and the needs that this request addresses.

The Energy Analyst classification was established in 1977 to function as the primary recruitment and selection class for college graduates qualified to perform energy conservation and development duties. Prior to establishing the Energy Analyst, the California Energy Commission (CEC) used the generalist class of Staff Services Analyst (SSA). Although it was possible to recruit some employees with backgrounds relating to specific energy areas, the general administrative nature of the SSA did not meet the CEC's line program needs. To resolve this issue, the CEC established the Energy Analyst; a separate more scientific energy-oriented entry level class to provide for recruitment of qualified college graduates. At the time the Energy Analyst was established, the salary levels and class concepts for Ranges A, B and C paralleled the salary ranges of the SSA, and reflected the commonly used salary levels in state service for college recruitment and progression over a period of 18 months of work of a highly technical and analytical nature. Per the Board Item to establish the salary of the Energy Analyst, it was placed in Cost Group 93 (Staff Services) and was tied to the Staff Services Analyst.

Incumbents in the SSA class, which is also used to recruit college graduates, are qualified to perform analytical work in a variety of staff services assignments. Incumbents in the Energy Analyst class are qualified to perform a variety of technical and analytical tasks in a wide variety of energy-related fields. While the minimum qualifications for the Energy Analyst focus on college graduates with degrees in physical and biological sciences, engineering, energy, and environmental studies, both classifications are drawing from the same candidate pool—college graduates. Recognizing the common recruitment pool, and until recently, the salaries for both classes have been almost identical.

Because the State Personnel Board recently revised the SSA's minimum qualifications and Alternate Range Criteria 69 to allow for the effective recruitment of college graduates, the salary of the Energy Analyst is no longer similar to the SSA. Specifically, the SSA's minimum qualifications were revised to include only two patterns: (1) graduation with a bachelor's degree from a recognized four-year accredited college or university, with an early entry feature that allows registered seniors to compete and allows placement at Range C; and (2) work experience in state service that may be substituted for the required education on a year-for-year basis combined with specified college credits.

The result of this recent Board action now places the CEC at a severe recruitment disadvantage. Notwithstanding the historical salary ties, comparable work, and similar

recruitment pool, agencies using the SSA will be able to recruit college graduates at Range C (\$3538), while the CEC will only be able to offer Energy Analyst hires (college graduates) a salary at Range A (\$2724). Such a discrepancy (\$814) certainly is inconsistent with sound personnel management principles. The fact that this obvious inequity was not addressed in the Board Item must be attributed to unintended consequences.

This proposal would also address another inequity issue between the Energy Analyst and the SSA. Currently, incumbents in the Energy Analyst classification hired at Range A are required to have at least two years of experience (early entrance) before they are eligible to take examinations for the associate/journey level; however, they must have 30 months of experience before they are eligible for appointment to the an associate/journey level. Meanwhile, incumbents appointed at Range C of the SSA class are eligible for associate/journey level examinations after only six months of employment (early entrance) and eligible for appointment to the associate/journey level after only one year (12 months).

Classification Considerations

2. What classification(s) does the subject class(es) report to?
Technical supervisory classes with responsibility for energy-related programs including transportation, environmental research and development, renewable energy, energy efficiency, emerging fuels, petroleum reporting and forecasting, power plant siting, and planning.
3. Will the subject class(es) supervise? If so, what class(es)?
N/A
4. What are the specific duties of the subject class(es)?
Energy Analysts perform a variety of tasks associated with program evaluation and planning, systems development, site planning, research, efficiency, economic assessment, environmental analysis, and emergency planning. In a learning capacity, incumbents gather and assess data related to their assigned programs, draft reports and recommendations, analyze proposed legislation and advise management regarding potential impacts on agency programs, and draft correspondence. Under supervision, Energy Analysts work with professional engineering staff, scientists from a variety of disciplines, contractors, and members of the public. Incumbents are assigned duties commensurate with their background and training.
5. What is the decision-making responsibility of the subject class(es)?
Work involves responsibility for problem definition, identification of alternative solutions, recommendation of a preferred course of action, implementation of the selected course of action, monitoring the results, and apprising management as necessary.
6. What would be the consequence of error if incumbents in the subject class(es) did not perform their jobs? (Program problems, lost funding, public safety compromised, etc.)
Incumbents are assigned duties and responsibilities commensurate with their training, background, and experience. Decisions and recommendations are typically limited in scope and impact but are necessarily monitored by supervisors for consistency with departmental program policies and procedures.

7. What are the analytical requirements expected of incumbents in the subject class(es)?
- The class of Energy Analyst is a recruitment/entry-level class for persons qualified to perform analytical work in a variety of energy-related areas. Incumbents are expected to constantly enhance technical knowledge of their assigned program area so as to work with ever-increasing independence and begin to accept more responsible, varied, and difficult assignments with greater program, financial, environmental, industry or political impact.
8. What are the purpose, type, and level of contacts incumbents in the subject class(es) make?
- Incumbents in this class consult with and interact with administrators and outside stakeholders with regard to their assigned program areas. While initially the contacts are of a more routine nature to discuss a limited array of potential alternative solutions to a well-defined problem, incumbents are expected to gradually increase program knowledge to gain the confidence and cooperation of all stakeholders and begin to interact with respect to more generally defined problems with an unknown number of potential solutions and ill-defined impacts. Contacts will eventually include staff within the CEC, political office-holders, members of the industry, state, federal, local, and private organizations impacted by CEC programs or policies, and members of the general public.

Need for New Class (if necessary)

9. For new classes only: what existing classes were considered and why were they not appropriate?
- N/A

Minimum Qualifications

10. What are the proposed or current minimum qualifications of the subject class(es), and why are they appropriate? (Include inside and outside experience patterns.)
- It is recommended that the MQs continue to include only two patterns
- (1) Graduation with a bachelor's degree from a recognized four-year accredited college or university with a major in ecology, energy, environment, energy economics, statistics, operations research, planning, land use, engineering, geology, physical or biological science, or a closely related energy field. (Registration as a senior in a recognized institution will admit applicants to the examination, but they must produce evidence of graduation or its equivalent before they can be considered eligible for appointment.) Work experience performing technical energy-related duties may be substituted for the required education with one year of experience being equal to one year of education.
- Or
- (2) Six months of experience in the California Energy Commission or other state energy programs performing the duties in a class comparable to Management Services Technician, Range B, and 18 units of college work.

The Alternate Range Criteria for Energy Analyst is proposed to be revised as follows:

Range C: College graduates will be allowed to advance immediately to Range C.

Probationary Period

☐ The probationary period is six months

11. If a probationary period other than six months is proposed, what is the rationale?
No change in probationary period.

Status Considerations

12. What is the impact on current incumbents?
Current incumbents (approximately 20) who are college graduates and meet the new Alternate Range Criteria will be eligible to be appointed to Energy Analyst, Range C.
13. Will current employees move by examination, transfer, reallocation, split-off, etc.? Explain rationale.
The CEC will continue to use its rigorous 5-part exam process.

Consulted With

14. In addition to the departmental contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal.
- Michael Navarro, Cooperative Personnel Services
Mike Kanemoto, Cooperative Personnel Services
Josie Fernandez, Department of Personnel Administration
Nicole Holtzman, Department of Personnel Administration
Frank Marr, Department of Personnel Administration

ALTERNATE RANGE CRITERIA 30

Established 9/7/77

Revised 9/1/88

Range A. This range shall apply to: (1) incumbents who have six months' experience as a Management Services Technician, Range B; or (2) other incumbents who do not meet the criteria for payment in Range B or C.

Range B. This range shall apply to persons who have ~~either:~~ ~~(1) satisfactorily completed six months of technical or professional energy experience equivalent to that of Energy Analyst, Range A; or (2) a master's degree in one of the physical or biological sciences, engineering, energy, environment, marketing, economics, operations research, planning, or other closely related fields.~~

Range C. This range shall apply to persons who graduated from a recognized four-year accredited college or university with a major in ecology, energy, environment, energy economics, statistics, operations research, planning, land use, engineering, geology, physical or biological science, or a closely related field; or who have satisfactorily completed ~~either:~~ ~~(1) 12 months of technical or professional energy experience equivalent to that of Energy Analyst, Range B; or (2) a doctorate degree in one of the physical or biological sciences, engineering, economics, energy, environment, marketing, operations research, planning, or other related fields; or (3) two different masters' degrees in the physical or biological sciences, engineering, economics, energy, environment, marketing operations research, planning, or other related fields.~~

When the requirements for the particular criteria are met and upon recommendation of the appointing power, the employee shall receive a rate under the provisions of DPA Rule 599.674, except that upon movement to Range C, the provisions of DPA Rule 599.676 shall apply.

TO: STATE PERSONNEL BOARD

FROM: Dave Rechs, Staff Personnel Program Analyst
Department of Personnel Administration

Lisa York, Personnel Program Analyst
Department of Personnel Administration

REVIEWED BY: Belinda Collins, Chief, Classification and Compensation Division
Department of Personnel Administration

SUBJECT: Proposed Reestablishment of Abolished Division Chief, Department of
Toxic Substances Control Classification

SUMMARY OF ISSUES:

The Department of Personnel Administration (DPA) is proposing to reestablish the abolished classification of Division Chief, Department of Toxic Substances Control (DTSC). This class was abolished at the January 6, 2006 State Personnel Board Meeting because it has been vacant for over five years and was designated with footnote 24. Footnote 24 precludes any appointment to the classification and indicates the class be abolished when it becomes vacant.

However, DTSC confirmed that this class was abolished prematurely as there is an employee with a mandatory right of return to this specific class. The State Personnel Board minutes from its June, 6 1994 meeting, which designated this class with footnote 24, indicates that this classification should not be abolished when an individual has a mandatory right of return to the class.

CONSULTED WITH:

Phillip Amen, Department of Toxic Substances Control
Daphne Baldwin, State Personnel Board
Frank Marr, Department of Personnel Administration

This is an excluded managerial classification and there is no recognized union organization affiliated with this class; therefore, there has been no union or supervisory organization notification of this proposal.

CLASSIFICATION CONSIDERATIONS:

There are no changes being proposed to the abolished classification specification.

RECOMMENDATION:

1. That the classification of Division Chief, Department of Toxic Substances Control be reestablished with footnote 24 and the proposed specification as shown in this calendar be adopted.

CALIFORNIA STATE PERSONNEL BOARD

SPECIFICATION

DIVISION CHIEF, TOXIC SUBSTANCES CONTROL
Series Specification
(Established December 19, 1989)

SCOPE

This series specification describes two classes used by the Hazardous Waste Management, Site Mitigation and External Affairs Programs, within the Department of Toxic Substances Control (DTSC). Incumbents in these classes are responsible for planning, organizing, directing, and controlling the major divisions requiring both technical and administrative expertise and include significant responsibility for the development, implementation, evaluation, and modification of policy within their divisions and programs. Incumbents are part of DTSC's management team and participate in the development of statewide and program-wide policies and procedures.

Under administrative direction, incumbents are responsible for the management and supervision of a highly technical multidisciplinary staff which develop innovative technical, regulatory, compliance, and institutional approaches to hazardous waste prevention, reduction, management, and remediation.

<u>Schem</u> <u>Code</u>	<u>Class</u> <u>Code</u>	<u>Class</u>
HY31	3833	Division Chief, Department of Toxic Substances Control, C.E.A.
HY34	3834	Division Chief, Department of Toxic Substances Control

DEFINITION OF SERIES

Plan, organize, coordinate, and direct the work of the staff engaged in a statewide hazardous waste management/site mitigation/external affairs program or in the development or evaluation of a major component of the Department's hazardous waste management/site mitigation/external affairs program; assist the Deputy Director with the planning of program operations and activities; act for the Deputy Director as assigned; participate in the selection and training of personnel; evaluate staff and division performance; review and evaluate work progress, assign priorities, and take or recommend appropriate action; conduct periodic evaluations and make an annual assessment of division needs; direct the development and revision of regulations and standards for hazardous waste prevention/management/site mitigation in accordance with State and Federal law; advise and consult with local authorities and interested groups about the application and enforcement of State laws, regulations, and standards

serve as the Department liaison/ombudsman with officials of private industry and State and other governmental agencies in coordinating interagency program activities; and direct technical assistance to private industry and State and local agencies in the planning and operation of hazardous waste management, site mitigation, and pollution prevention programs.

FACTORS AFFECTING POSITION ALLOCATION

Positions in the Division Chief, Department of Toxic Substances Control (DTSC), C.E.A., class shall only be filled by either civil service employees who have permanent status, or by qualified Legislative employees. Positions in the Division Chief, DTSC, class shall only be filled by individuals from inside of State service who have mandatory return rights to the class of Section Chief, Hazardous Waste Management Programs.

MINIMUM QUALIFICATIONS

BOTH CLASSES:

Either I

Two years of experience in the California state service performing hazardous substances management duties in a supervisory or management capacity at a level of responsibility not less than a Supervising Hazardous Substances Scientist II, Supervising Hazardous Substances Engineering Geologist II, or Supervising Hazardous Substances Engineering Geologist II, or Supervising Hazardous Substances Engineer II.

Or II

Four years of experience in the California state service performing hazardous substances management duties in a supervisory or management capacity at a level of responsibility not less than a Supervising Hazardous Substances Engineering Geologist I, or Supervising Hazardous Substances Engineer I.

Or III

Five years of broad and extensive experience in increasingly responsible professional positions in hazardous substances management, regulation, analysis or research, environmental research, monitoring, surveillance or enforcement or resource recovery. At least two years of the required experience must have been in a supervisory or management capacity at a level of responsibility equivalent to a Supervising Hazardous Substances Program Scientist II, Supervising Hazardous Substances Engineering Geologist II, or Supervising Hazardous Substances Engineer II, and must have included responsibility for the following: substantial participation in development or implementation of environmental health or hazardous substance control research, monitoring or surveillance and enforcement

policies or programs, or coordinating the work of a multidisciplinary environmental or hazardous material permitting, site clean up, or investigation staff.

and

Education: Equivalent to graduation from an accredited college or university approved by the California Superintendent of Public Instruction under the provisions of California Education Code Section 94310 with 30 units or more in environmental, biological, chemical, physical, or soil science; environmental health; engineering, geology, engineering geology, or a directly related scientific or engineering field.

(Additional qualifying experience in hazardous materials management, regulation, analysis, or research; environmental research, monitoring, surveillance, or enforcement; or research recovery may be substituted for the required education on a year-for-year basis up to a maximum of two years. When substituting experience for education, qualifying education must include a minimum of 30 semester units in the science subjects noted above from an accredited college or equivalent units from an institution approved by the California Superintendent of Public Instruction under the provisions of California Education Code Section 94310.)

(Possession of a master's degree in the subjects specified above or a directly related scientific or engineering field may be substituted for one year of the general experience. Possession of a doctorate in the subjects specified above or a directly related scientific or engineering field may be substituted for two years of the general experience.)

DIVISION CHIEF, DEPARTMENT OF TOXIC SUBSTANCES CONTROL, C.E.A.

Either I

Must be a civil service employee with permanent civil service status.

Or II

Must be an employee of the Legislature for two or more consecutive years.

KNOWLEDGE AND ABILITIES

BOTH CLASSES:

Knowledge of: Principals, practices, and trends of public administration including fiscal, personnel management, and supervision; strategic planning development, implementation, and evaluation techniques; organization and functions of California State Government including the organization and practices of the Legislative and Executive Branches; Federal legislative, budget, and regulatory process; policy formulation, development, and evaluation techniques;

State and Federal statutes and regulations regarding hazardous waste; developing and implementing hazardous waste programs related to hazardous waste cleanups, facility permitting, surveillance, and enforcement, and other related support activities; media relations; Department's Affirmative Action Program and objectives; and a manager's role in the Affirmative Action Program and the processes available to meet affirmative action objectives.

Ability to: Provide leadership in accomplishing basic functions and strategic objectives; effectively plan, organize, direct, and coordinate a major public program of statewide scope; represent the State's hazardous waste management program before the highest levels of State and Federal Government, private industry, community, and environmental groups, and before courts of jurisdiction; communicate effectively; analyze situations accurately and adopt an effective course of action; and effectively contribute to the Department's affirmative action objectives.

CLASS HISTORY

<u>Class</u>	<u>Date Established</u>	<u>Date Revised</u>	<u>Title Changed</u>
Division Chief, Department of Toxic Substances Control, C.E.A.	12/19/89	6/7/94	6/7/94
Division Chief, Department of Toxic Substances Control	12/19/89	6/7/94	6/7/94

TO: STATE PERSONNEL BOARD

FROM: Karen Coffee, Chief HR Planning and Innovation
Plata Support Division
California Department of Corrections and Rehabilitation

SUBJECT: Proposed minor revision to the classification, Receiver's Nurse Executive (Safety) to more accurately reflect the role of health care staff in maintaining order within an institution and protecting public property.

SUMMARY OF ISSUES

The federal Receiver requests minor modification to the Receiver's Nurse Executive (Safety) class specification language that supports the safety justification to more accurately reflect the responsibilities of health care staff in maintaining order and protecting public property within California's prisons.

BACKGROUND

On August 20, 2007, the State Personnel Board and the federal Receiver entered into a stipulation regarding the establishment of Receiver's nursing, medical, and health care executives. This stipulation provided a mechanism for satisfying the objectives of the Receiver and the legitimate concerns raised by the Receiver and the SPB, in a manner consistent with the California Constitution. On September 11, 2007, the stipulation was adopted as an order of the Court.

As required by the stipulation, on October 22, 2007 a hearing was held before the State Personnel Board to provide an opportunity for interested persons to voice concerns regarding a proposal to establish a Receiver's Nurse Executive (Safety) broad classification. The Board approved the class specification after the hearing.

As work began on the Medical Executive classification, health care staff raised issues regarding the standard wording in class specifications to justify a designation as "safety" and indicated that there is a conflict between the current wording and the exact nature of their role in maintaining order within an institution and protecting persons and property. Specifically, they have indicated that their Hippocratic oath prevents them from examining the human body for non-medically necessary reasons.

RECOMMENDED CHANGE

In order to acknowledge the nature of the health care provider/patient relationship and to clarify the responsibilities of health care staff in maintaining order within an institution and protecting the safety of persons and property (the two criteria for allocation to the safety retirement category), the Receiver recommends adoption of the following language in the Receiver's Nurse Executive (Safety) classification:

Positions allocated to this classification have regular and substantial contact with inmates, including private meetings with inmates; are responsible for maintaining the safety of persons and property; maintaining order and supervising the conduct of inmates; maintaining security in working areas and with regard to medication and work materials; inspecting premises for contraband, such as weapons or illegal drugs; observing and intervening in inmate behavior that may signal disruptive or assaultive behavior; and, taking steps to defuse potentially volatile situations.

JUSTIFICATION

This language clearly justifies the allocation of a class to the safety retirement category and more accurately describes the responsibilities of health care staff in protecting the safety of persons and property. This language mirrors language included in the Receiver's Medical Executive (Safety) class specification adopted on January 22, 2008.

RECOMMENDATION

That the proposed revised specification for the class of Receiver's Nurse Executive (Safety) as shown in this calendar be adopted.

CALIFORNIA STATE PERSONNEL BOARD

SPECIFICATION

Schematic Code: TN05
Class Code: 8241
Established:
Revised: --
Title Changed: --

RECEIVER'S NURSE EXECUTIVE (SAFETY)

SCOPE

This specification describes nurse executive positions with comprehensive management responsibility for delivery of nursing patient care. ~~All positions allocated to this classification are responsible for maintaining order and supervising the conduct of inmates; maintaining the safety of persons and property; preventing escape of persons committed to adult institutions of the California Department of Corrections and Rehabilitation and preventing injury by such persons to themselves or others or to property; maintaining security of working areas and work materials; and inspecting premises and searching inmates for weapons or illegal drugs.~~ Positions allocated to this classification have regular and substantial contact with inmates, including private meetings with inmates; are responsible for maintaining the safety of persons and property; maintaining order and supervising the conduct of inmates; maintaining security in working areas and with regard to medication and work materials; inspecting premises for contraband, such as weapons or illegal drugs; observing and intervening in inmate behavior that may signal disruptive or assaultive behavior; and, taking steps to defuse potentially volatile situations.

DEFINITION OF CLASSIFICATION

Each position allocated to this classification manages professional nursing services within the California Department of Corrections and Rehabilitation, and is responsible for comprehensive nursing care services being delivered 24-hours per day and 7 days per week in California Department of Corrections and Rehabilitation adult institutions. Incumbents are responsible for developing and maintaining an ongoing program to deliver, monitor, evaluate, and improve the quality and appropriateness of all nursing care. Incumbents are responsible for continuous quality improvements and sustainable constitutional levels of nursing care. Incumbents ensure nursing services are well-functioning and that the timely delivery of patient care is available to all patients in accordance with appropriate standards of nursing care. Incumbents direct the development, and assist with the development of nursing policies, procedures, and protocols. Incumbents direct the development,

implementation of nursing services staffing plan policies. Incumbents assess nursing professional training and orientation needs; and, participate in the development of orientation and education programs to promote staff development policies. Incumbents identify problems and implement solutions for operational and organizational issues pertaining to nursing. Incumbents formulate and assist with the formulation of operational and capital budgets, and make decisions or effectively recommend a course of action with regard to management of the nursing budget.

MINIMUM QUALIFICATIONS

Possession of a current and unencumbered license as a registered nurse in California. (Applicants who do not meet this requirement will be admitted to the examination, but they must secure the required license before they will be considered eligible for appointment.)

and

A Bachelors of Science in nursing or health services administration or a related field. (Additional qualifying experience performing a full range of duties as a nursing supervisor in a health care organization/facility with 20 or more full-time subordinate nurses, may be substituted for the required education on a year-for-year basis.)

and

Five years of clinical nursing experience in a comprehensive medical setting, at least three years of which must have been in an administrative or supervisory capacity in a health care organization/facility with 20 or more full-time subordinate nurses.

ADDITIONAL DESIRABLE QUALIFICATIONS

Clinical nursing experience in a correctional facility; Masters Degree in nursing or other health care related field; Basic Care Life Support certification; Advanced Care Life Support certification; and experience in health care system and program design and development.

REQUIRED CORE COMPETENCIES

Professional/technical expertise: Is comprehensively knowledgeable of the most current information, techniques, practices, laws, and regulations of the field. Has clear developmental record of formal and on-the-job acquisition of knowledge and skills of the occupation. Uses knowledge and judgment in applying appropriate methods and techniques to ensure speed, quality, and consistency in work products. Handles the most challenging tasks requiring technical expertise.

Customer focus: Shows interest in and understanding of the needs, expectations, and circumstances of internal and external customers at the individual, group, or organizational level. Explores options and pursues solutions until customers are satisfied. Is responsive,

pleasant, and professional. Looks at the organization and its services from the customer's point of view. Seeks and uses customer feedback to improve services or products.

Teamwork: Understands his/her role on the team, yet does whatever is needed to make the team successful. Helps team members who need or ask for support or assistance. Puts team results ahead of personal success. Brings out the best in others on the team. Shares credit for group accomplishments.

Valuing diversity: Sees the benefit of having differing backgrounds and points of view in the workplace, and leverages those differences in group processes and decision making. Supports professional development and career opportunity equally for all.

Managing performance: Sets and aligns individual performance goals with the goals of the unit. Involves employees in setting their performance goals. Ensures employees have the means and skills to accomplish their goals. Tracks and measures individual and unit performance. Provides ongoing feedback. Treats all employees in an objective and consistent manner. Intervenes to correct poor performance, following steps of progressive discipline.

Leadership: Creates a positive work environment in which all staff are motivated to do their best. Ensures that clear, challenging and attainable goals are set for a group and that these goals are aligned with the goals of the organization/department. Ensures that the importance and benefits of goals and methods are understood and accepted by those who will carry them out. Conveys confidence and optimism in the group's ability to overcome obstacles and accomplish its goals.

Planning and organizing: Determines the logically necessary sequence of activities and the efficient level of resources needed to achieve a goal. Recognizes and addresses the interdependencies of activities and resources. Clarifies roles and responsibilities. Anticipates problems and mitigates risks. Produces a realistic schedule of completion.

Organizational savvy: Understands the inner workings and interrelationships of the organization. Knows whose support is needed to cut red tape. Gets things done through formal channels and informal networks. Maintains good working relationships with key players throughout the organization. Aligns and maneuvers organizational resources and internal politics skillfully to solve problems or accomplish goals.

Process improvement: Knows how to separate and combine activities into efficient workflow. Benchmarks best practices in the industry. Knows what to measure and how to measure it for tracking quality, quantity, schedule, resource utilization, and customer feedback.

Knows how to identify process problems and opportunities for improvement and simplification. Leverages technology.

Developing others: Coaches others regardless of performance level. Shows insight into causes of poor performance and how performance can be improved. Shares knowledge and expertise willingly. Offers on-going feedback, suggestions, and encouragement. Acknowledges progress and growth. Supports others' career development plans.

Managing change: Understands the dynamics of organizational change. Knows and guides the planning, process changes, role redefinition, retraining, incentive and communication steps in transitioning from one organizational state to another. Involves key stakeholders in planning and decision making. Maintains a high level of communication about the reasons, benefits, opportunities and difficulties of change. Encourages others and supports them through the transition.

Strategic view: Focuses on the future and where current trends will lead. Understands the factors that are shaping the industry and anticipates the opportunities that will be opening and closing. Keeps an eye on the big picture and long-range possibilities and implications. Makes, evaluates, and revises long-range plans and goals taking into consideration the organization's core competencies, customers, competition, available resources, and strengths and weaknesses.

SPECIAL PERSONAL CHARACTERISTICS

Incumbents must possess the willingness to work in a correctional facility; possess a sympathetic and objective understanding regarding the problems of inmate-patients; and, be tactful and patient.

SPECIAL PHYSICAL CHARACTERISTICS

Incumbents must possess and maintain sufficient strength, agility and endurance to perform during physically, mentally, and emotionally stressful and emergency situations encountered on the job without endangering their own health and well-being or that of their fellow employees, forensic clients, patients, inmates or the public.

ASSIGNMENT DESCRIPTIONS WITHIN THE CLASSIFICATION

INSTITUTION CHIEF OF NURSING SERVICES

Incumbents in these positions are the highest ranking nurse manager within a Department of Corrections and Rehabilitation adult institution. Incumbents report directly to the institution healthcare Chief Executive Officer (aka Health Care Manager) and receive functional supervision from the Regional Director of Nursing Services

insofar as it pertains to nursing standards, procedures, protocols and policies.

Directs all nursing activity within the institution and ensures compassionate, safe, effective, timely, efficient and equitable patient-centered care in conjunction with other health care discipline managers, and in coordination with custody. Develops and maintains a competent nursing team to deliver evidence-based patient-centered care. Develops and implements clear and realistic performance expectations, issues letters of instruction and counseling memoranda, effectively recommends formal disciplinary action to the institution Chief Executive Officer, and upon delegation from the Chief Executive Officer takes disciplinary action.

REGIONAL CHIEF OF NURSING SERVICES

Under the direct supervision of the Regional Health Care Program Administrator, and the functional supervision of the Statewide Chief of Nursing Services, coordinates all patient care services within a region spanning multiple institutions within the California Department of Corrections and Rehabilitation adult institutions, and ensures that nursing practices comply with appropriate professional standards. Ensures institutions within the region have implemented an effective system that certifies competence to perform nursing duties, including the performance of physical assessments and out patient urgent/emergency protocols. Functionally supervises the Institution Chiefs of Nursing Services within the region insofar as it pertains to nursing standards, procedures, protocols and policies. Participates in the selection of the Institution Chiefs of Nursing Services and effectively recommends the appointment of candidates to institution healthcare Chief Executive Officers. Develops and monitors nursing performance expectations; performs competency assessments; mentors and coaches nursing personnel throughout the region. Assists in evaluating nursing staff and effectively recommends corrective and adverse action to Institution Chiefs of Nursing Services, institution Chief Executive Officers and Regional Healthcare Program Administrators (aka Regional Administrators).

STATEWIDE CHIEF OF NURSING SERVICES

Under the direct supervision of the federal court Receiver (or designee), coordinates all nursing services on a statewide basis within the California Department of Corrections and Rehabilitation adult institutions. Ensures that nursing professional practices comply with appropriate standards to deliver evidence-based patient-centered care. Ensures institutions statewide have implemented an effective system that certifies competence to perform nursing duties, including the performance of physical assessments and out patient urgent/emergency protocols. Functionally supervises the Regional Chiefs of Nursing Services insofar as it pertains to nursing

standards, procedures, protocols and policies. Participates in the selection of the Institution and Regional Chiefs of Nursing Services and effectively recommends the appointment of candidates to institution healthcare Chief Executive Officers and Regional Healthcare Program Administrators. Develops and monitors nursing performance expectations; performs competency assessments; mentors and coaches nursing personnel throughout the state. Assists in evaluating nursing staff and effectively recommends corrective and adverse action to Institution and Regional Chiefs of Nursing Services, Institution Chief Executive Officers and Regional Healthcare Program Administrators.



MEMORANDUM

DATE: April 7, 2008

TO: STATE PERSONNEL BOARD

FROM: MIKE STRAZZO, Merit Operations Division

SUBJECT: STAFF AGENDA ITEMS FOR BOARD INFORMATION

NONE PRESENTED